



S/N 09/272821

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Uckun	Examiner:	R. Travers
Serial No.:	09/272821	Group Art Unit:	1617
Filed:	March 20, 1999	Docket No.:	12152.55US01
Title:	NNI FOR TREATMENT OF MULTI-DRUG RESISTANT HIV		

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 347833861 US

Date of Deposit: February 27, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

By:

Teresa Anderson

Name:

Teresa Anderson

Communication

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to a communication from Examiner Russel Travers with regard to this case, please consider the following remarks. Applicant also submits herewith three (3) copies of the appeal brief mailed on October 21, 2003, and the stamped postcard from the USPTO indicating that the brief was received.

The communication from the Examiner indicated that two non-identical sets of claims were presented. Applicant respectfully submits that the claims that accompanied the Appeal brief were the claims as finally amended. The amendment under 37 CFR § 1.116 that was sent on August 26, 2003, was not entered, and therefore, the amendments made therein were not included in the claims on appeal. Therefore, Applicant asserts that the claims that were presented in the Appeal brief were identical. Therefore, Applicant includes herewith three copies of the appeal brief as mailed on October 21, 2003.

If there are any questions with regard to the above referenced application, or this communication, please feel free to contact the Applicant's Representative at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date:

February 27, 2004

Anna M. Nelson

Anna M. Nelson
Reg. No. 48,935



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: UCKUN

For: NNI FOR TREATMENT OF MULTI-DRUG RESISTANT HIV

Docket No.: 12152.55US01

Filed: MARCH 20, 1999

Serial No.: 09/272,821

Due Date: DECEMBER 1, 2003

Date Mailed: October 21, 2003

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Check in the amount of \$165.00 for Appeal Brief fee
- ☒ Appellant's Brief on Appeal, in triplicate
- ☒ Return postcard

Patent

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The appeal brief filed on October 24, 2003 is defective because it presents two (2) non-identical sets of claims. Applicant must submit one set of claims identical to those rejected in the last official office action. If Applicant desires to discuss possible amendments to place the application in condition for allowance, please contact the Examiner telephonically at their earliest convenience.

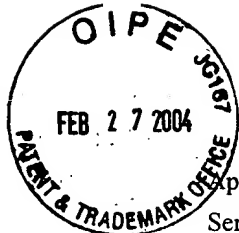
To avoid dismissal of the appeal, appellant must submit the necessary additional copies of the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication should be directed to Russell Travers at telephone number ~~(703) 308-4603~~ **571-272-0631**


Russell Travers J.D., Ph.D.

Primary Examiner

Art Unit 1617



03/01/04 Image AF/1617

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Serial No.:	09/272821	Group Art Unit:	1617
Filed:	March 20, 1999	Docket:	12152.55US01
Confirmation No.:	6130	Notice of Allow. Date:	
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By: Teresa Anderson
Name: Teresa Anderson

Mail Stop Appeal Brief-Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Three copies of Appeal Brief, copy of return postcard, copy of Communication from Examiner
- ☒ Return postcard
- ☒ Communication

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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By: Anna M. Nelson
Name: Anna M. Nelson
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AMN/vh